

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTHONY OF THE FAMILY BAKER,)	
)	
Plaintiff,)	
vs.)	No. 3:18-CV-341-C-BN
)	
CHILD SUPPORT DIVISION and)	
DALLAS COUNTY, TEXAS,)	
)	
Defendants.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The undersigned District Judge has reviewed all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, entered September 18, 2018, along with Defendant Dallas County's Objections.¹ In accordance with 28 U.S.C. § 636(b)(1), the undersigned Senior District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are **ACCEPTED AND ADOPTED** as the Findings and Conclusions of the Court.²

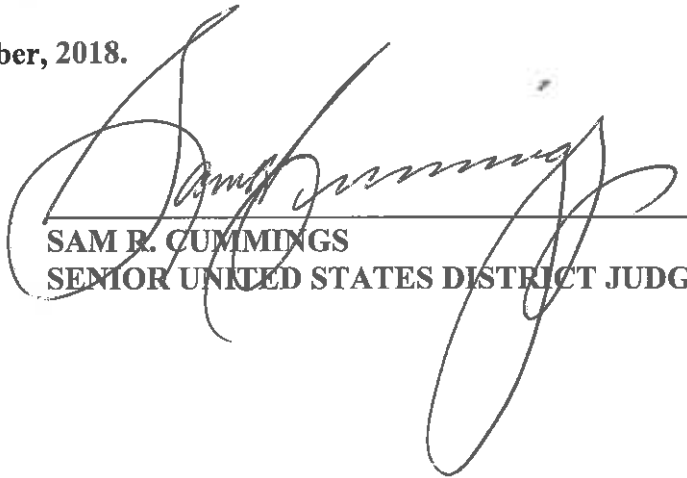
Thus, Defendant Dallas County's Motion to Dismiss, filed May 14, 2018, should be **GRANTED** solely on Rule 12(b)(6). Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**. However, the Court's dismissal will be held in abeyance subject to Plaintiff filing an amended complaint within fourteen (14) days from the date of this Order correcting the

¹ The Court finds that Defendant Dallas County's Objections should be **OVERRULED**. As the Magistrate Judge aptly noted in the Findings, Conclusions, and Recommendation, the United States Court of Appeal for the Fifth Circuit has recently remanded a case on the undersigned's docket involving family law matters after ruling that the *Rooker-Feldman* doctrine did not apply because at the time the federal lawsuit was filed a state appeal was still pending.

² As stated by the Magistrate Judge, Plaintiff seeks to use this action to obtain relief from state court ordered child support payments.

deficiencies outlined in the Magistrate Judge's Findings, Conclusions, and Recommendation. Failure by Plaintiff to timely comply will result in the dismissal of this action as stated herein.

SIGNED this 5th day of October, 2018.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE